

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SALINA RUELAS,

Plaintiff,

v.

CITY OF SANGER, *et al.*,

Defendants.

Case No. 1:23-cv-0742 JLT SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL,
GRANTING MOTION TO DISMISS, AND
GRANTING PLAINTIFF LEAVE TO FILE
AMENDED COMPLAINT WITHIN TWENTY-
ONE DAYS

(Docs. 6, 14)

Plaintiff seeks to hold the City of Sanger, the Sanger Police Department, and J. Deshawn Torrence—who at all relevant times was an officer with the police department—liable for violations of the Fourth Amendment and Fourteenth Amendment. In addition, Plaintiff seeks to hold Torrence liable for: violation of the Tom Bane Civil Rights Act, California Civil Code § 52.1; violation of the Ralph Unruh Civil Rights Act, Civil Code § 51.7; sexual battery; false imprisonment; gender violence; and intentional infliction of emotional distress. (*See generally* Doc. 1-1.) On May 15, 2023, the City of Sanger and the Sanger Police Department filed a motion to dismiss this action. (Doc. 6.)

On August 9, 2023, the assigned magistrate judge issued Findings and Recommendations that the Defendants' motion to dismiss be granted with leave to amend.¹ (Doc. 14.) The Court

¹ Following amendment of the Local Rules effective March 1, 2022, a certain percentage of civil cases shall be directly assigned to a Magistrate Judge only, with consent or declination of consent forms due within 90 days from the date of filing of the action. L.R. App. A(m)(1). This action was initially directly assigned to a magistrate judge

1 granted the parties 14 days to file any objections to the Findings and Recommendations and
2 informed them that the “failure to file objections within the specified time may result in the
3 waiver of rights on appeal.” (*Id.* at 29, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.
4 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections were filed, and
5 the deadline to do so has expired.

6 Pursuant to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case.
7 Having carefully reviewed the action, the Court concludes the Findings and Recommendations
8 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on August 9, 2023 (Doc. 14), are
10 **ADOPTED** in full.
- 11 2. The motion to dismiss filed May 15, 2023, (Doc. 6), is **GRANTED** as follows:
 - 12 a. Defendants City of Sanger and Sanger Police Department’s motion to
13 dismiss the second through seventh causes of action, is **GRANTED** with
14 leave to amend.
 - 15 b. Defendants City of Sanger and Sanger Police Department’s motion to
16 dismiss the first cause of action is **GRANTED** as to allegations occurring
17 on or before March 27, 2021, with leave to amend.
- 18 3. Plaintiff **SHALL** file any amended complaint within 21 days of entry of this order.

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20 IT IS SO ORDERED.

21 Dated: September 21, 2023


UNITED STATES DISTRICT JUDGE

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27 only, with no district judge assigned. At the time of the issuance of the Findings and Recommendations, not all
28 parties had appeared or filed consent or declination of consent forms. Pursuant to 28 U.S.C. § 636(b)(1)(B), Local
Rule 302(c)(7), and Local Rule Appendix A, subsection (m), the Court directed the Clerk of the Court to assign a
District Judge to this action concurrently when the findings and recommendations were issued. (*See* Doc. 14.)